

REMARKS/ARGUMENTS

Reconsideration of this application in light of the above amendments is courteously solicited.

Applicant by the instant amendment has cancelled the subject matter purported by the examiner to be new matter under 35 U.S.C. 102. While Applicant believes that the subject matter being cancelled did not constitute new matter, Applicant believes the issue is moot as the claims now presented for examination are limited to the hydraulic motor disclosed, for example, in the paragraph bridging Pages 4 and 5 of the original specification as well as elsewhere. In addition, the claims presented which are limited to the hydraulic motor define a device which is not in any way in contradiction with the fundamental Laws of Physics and does not constitute a perpetual motion machine thus rendering the examiner's rejection of the previously submitted claims under 35 U.S.C. 112, first paragraph and 35 U.S.C. 101 moot. A person skilled in the art could readily construct a motor having the features of claims 20-26 and apply such a motor to a variety of uses. In view of the foregoing, it can not be seen how the hydraulic motor of the present invention as claimed is anything other than industrially applicable. In view of the foregoing, it is believed that the examiner's earlier objections have been rendered moot.

With regard to newly presented claims 20-26, the examiner's attention is drawn to the paragraph bridging Pages 4 and 5 of the instant specification. There is no prior art currently cited by the examiner which meets the limitations of these newly presented claims.

For the examiner's information Applicant attaches hereto a copy of the Certificate of Grant of Patent in Great Britain based on the claims currently submitted in the instant application.

In light of the foregoing, an early issuance of a notice of allowance is respectfully requested.

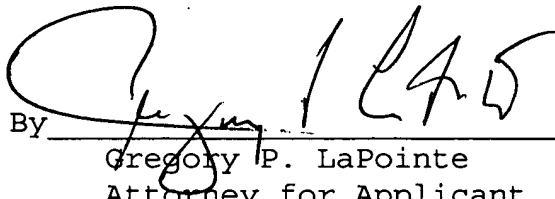
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it
is respectfully requested that they be charged to Deposit
Account No. 02-0184.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal
Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner
for Patents, P. O. Box 1450, Alexandria, VA 22313" on May 27, 2004


Rachel Piscitelli